

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

LINYI CHENGEN IMPORT AND)	
EXPORT CO., LTD., et al.,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	Nos. 2024-1258, 2024-1259
)	
UNITED STATES, COALITION)	
FOR FAIR TRADE OF HARDWOOD)	
PLYWOOD,)	
)	
Defendants-Appellants.)	

CONSENT MOTION FOR AN EXTENSION OF TIME TO FILE BRIEF

Pursuant to Rule 26(b) of the Rules of this Court, defendant-appellant, the United States, respectfully requests an extension of time of 60 days, to and including April 12, 2024, within which to file its opening brief.¹ Our brief is currently due no later than February 12, 2024. We have not previously requested an extension of time for this purpose. Counsel for all parties have represented their consent to this request.

Good cause exists for this extension. First, a determination has not yet been made whether to authorize this appeal. *See* 28 C.F.R. § 0.20. We filed a protective notice of appeal on December 8, 2023 and this Court docketed the case on

¹ This extension would also apply to the due date for the brief of defendant-appellant Coalition for Fair Trade in Hardwood Plywood.

December 14, 2023. While the appeal consideration process within the Department of Justice is ongoing, additional time is complete and finalize this process. Additional time is also needed to allow counsel for defendant-appellant to prepare a draft brief, receive required input from Department of Justice supervisory counsel, and to confer with agency counsel for the Department of Commerce regarding the content of our opening brief, assuming we obtain authorization to proceed with this appeal.

For these reasons, we respectfully request that the Court grant our motion for a 60-day extension of time, to and including April 12, 2024, for defendant-appellants to file their opening briefs.

Respectfully submitted,

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General

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February 2, 2024

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DECLARATION OF SOSUN BAE

I, Sosun Bae, state the following under the penalty of perjury:

1. I am a senior trial counsel with the United States Department of Justice, Civil Division, Commercial Litigation Branch, Washington, D.C., and I am counsel of record for defendant-appellant United States in this appeal.
2. Pursuant to Federal Circuit Rule 26(b)(3), I submit this declaration explaining the good cause for seeking an extension of time.
3. Defendant-Appellants' opening briefs are currently due no later than February 12, 2024.

4. We require a 60-day extension of time because we do not currently possess authority to prosecute this appeal. More time is needed for the appeal consideration process to be completed within the Department of Justice.

5. Additional time is also needed to prepare a draft brief, receive required input from Department of Justice supervisory counsel, and to confer with agency counsel for the Department of Commerce regarding the content of our opening brief.

6. Counsel for all other parties have represented their consent to the extension of time.

Executed February 2, 2024

/s/Sosun Bae

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7) and Federal Circuit Rule 32(b), the undersigned certifies that the word processing software used to prepare this brief indicates there are a total of 248 words, excluding the portions of the brief identified in the rules. The brief complies with the typeface requirements and type style requirements of Fed. R. App. P. 32(a)(5) and has been prepared using Times New Roman 14 point font, proportionally spaced typeface.

/s/Sosun Bae